

R E M A R K S

Claims 1-12 and 14-31 were pending in the application. Claims 32-58 were withdrawn. Claims 59-61 have been added. Claims 1 and 60 are independent claims. No new matter has been added by this amendment.

Applicant respectfully submits that the present application is in condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Claim Amendments

Claims 59-61 have been added. Support for claim 59 is found, for example, at original claim 4, line 3. Claim 60 recites the subject matter of currently pending claim 1, lines 1-12. Support for claim 61 is found, for example, at original claim 4, line 3.

No new matter has been added.

Claim Rejections – 35 USC §103(a)

The Office Action states that claims 1-12 and 14-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over powerbuyerservice.com in further view of US Patent Application Publication No. 20010037205 (Joao).

Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1

Independent claim 1 recites a method for facilitating multiparty communication regarding leads, comprising: receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer; after receiving the initial information**, identifying a second party that can

provide the service and to which to provide at least a portion of the initial information; providing at least a portion of said initial information to said second party; receiving updated information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information; and wherein the updated information includes at least one of the following: a postal address for the customer; and a telephone number for the customer. (emphasis added).

Neither powerbuyerservice.com nor Joao nor any proper combination thereof teaches or suggests the method recited in claim 1.

The Web site provided at www.powerbuyerservice.com allows a customer to select one or more service providers that the customer is interested in learning about and then informs the relevant service providers of the customer's interest (Applicant's application, page 1, lines 20-23). (emphasis added).

However, at the very least, and as admitted in the Office Action (see Office Action page 3, lines 22-page 4, line 8), powerbuyerservice.com does not teach or suggest receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source other than said customer, as recited in claim 1. (emphasis added).

In addition, because powerbuyerservice.com does not teach or suggest receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source other than said customer, as recited in claim 1, powerbuyerservice.com cannot possibly teach or suggest a method that includes after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1. (emphasis added).

Moreover, and as admitted in the Office Action (see Office Action page 2, lines 19-20), powerbuyerservice.com does not teach or suggest the combination of receiving updated information regarding said customer lead from said second party; and determining compensation

owed by said second party based, at least in part, on said updated information, as recited in claim 1.

Still further, and as is apparently admitted in the Office Action (see Office Action page 3, line 16-22), powerbuyerservice.com does not teach or suggest that the updated information includes at least one of the following: a **postal address for the customer**; and a **telephone number for the customer**, as recited in claim 1. (emphasis added).

Joao discloses an apparatus and method for effectuating an affiliated marketing relationship (title).

However, as with powerbuyerservice.com, Joao does not teach or suggest the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1. (emphasis added).

In addition, as with powerbuyerservice.com and as is admitted in the Office Action (see Office Action page 3, line 16-22), Joao does not teach or suggest receiving updated information regarding said customer lead from said second party; wherein the updated information includes at least one of the following: a **postal address for the customer**; and a **telephone number for the customer**, as recited in claim 1. (emphasis added).

For at least the reasons above, neither powerbuyerservice.com nor Joao teach or suggest a method for facilitating multiparty communication regarding leads, comprising: receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**; **after receiving the initial information**, identifying a second party that can provide the service and to which to provide at least a portion of the initial information; providing at least a portion of said initial information to said second party; receiving updated information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information; and wherein the updated information includes at least

one of the following: a **postal address for the customer**; and a **telephone number for the customer**, as recited in claim 1. (emphasis added).

The Office Action states that the powerbuyerservice website does not exclude anyone from entering user information that might need service, and further states that the web site is therefore equipped to receive information from anyone who wants to enter the information (see Office Action page 4, lines 1-3).

The Office Action further states that Applicant discloses companies use telemarketers, call centers, marketing agents etc. to generate leads for the company, and that therefore, it would have been obvious to one of ordinary skill in the art to receive the customer information from a referral source, such as telemarketers, call centers or marketing agents and to provide compensation for the service (referral fee), as in Joao, for referring the customer to the service provider. (see Office Action, page 4, lines 3-8).

Applicant respectfully disagrees.

First, Applicant respectfully requests that the Examiner provide support for the assertion that that the powerbuyerservice website does not exclude anyone from entering user information that might need service, and further states that the web site is therefore equipped to receive information from anyone who wants to enter the information (see Office Action page 4, lines 1-3).

Second, Applicant has noted the cited portion of Applicant's application, which states that a company may use telemarketers, call centers, marketing agents etc. to generate leads for the company.

However, contrary to the assertion in the Office Action, such statement cannot possibly stand for a universal proposition that would motivate one of ordinary skill in the art to modify powerbuyerservice.com to use a referral source.

Indeed, **powerbuyerservice.com is itself a type of referral source.**

The mere statement that a company may use telemarketers, call centers, marketing agents etc. to generate leads for the company cannot possibly stand for a universal proposition that would motivate one of ordinary skill in the art to modify powerbuyerservice.com (i.e., a referral source) to use another referral source to generate the referrals.

For at least the reasons above, it would not have been obvious to modify powerbuyerservice.com to include receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**, as recited in claim 1. (emphasis added).

Nor would it have been obvious to modify powerbuyerservice.com to include **after receiving the initial information**, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 1. (emphasis added).

The Office Action further states that it would have been obvious to one of ordinary skill in the art to implement Joao's referral and commission tracking system so that the referral service provider of Powerbuyerservice can be paid for the service of referring customers, a[s] taught by Joao (Office Action, page 3, lines 13-16).

The Office Action admits that Joao does not teach the transaction information includes a postal address of the customer or a telephone number of the customer (Office Action, page 3, lines 16-18). However, the Office Action states that it is old and well known to include customer address or telephone number in a user transaction record. The Office Action further states that it would have been obvious to one of ordinary skill in the art to include such information in the transaction history of Joao if it is considered **necessary to verify the transaction** (Office Action, page 3, lines 18-22). (emphasis added).

Applicant respectfully disagrees.

Contrary to the apparent assumption in the Office Action, neither powerbuyerservice.com nor Joao teach or suggest that a postal address of the consumer or a telephone number of the customer is considered necessary to verify a transaction.

Consequently, the motivation and modification proposed by the Office Action are improper.

For at least the reasons above, it would not have been obvious to modify the proposed combination of powerbuyerservice.com and Joao such that the updated information includes at least one of the following: a **postal address for the customer**; and a **telephone number for the customer**, as recited in claim 1. (emphasis added).

The Office Action does not address how the cited portions of powerbuyerservice.com and Joao could possibly teach or suggest identifying the recited second party **after receiving the initial information**, as recited in claim 1.

Indeed, the Office Action is completely silent in regard to the recitation "**after receiving the initial information**". (see Office Action pages 2-4).

Applicant respectfully submits that the rejection of claim 1 is also improper for this reason.

Applicant respectfully notes that even if a company uses a referral source, and even if the company receives initial information from the referral source, there is no teaching or suggestion to identify the recited second party **after receiving the initial information**, as recited in claim 1.

Consequently, in the event that the Examiner decides to again reject claim 1 in view of powerbuyerservice.com and Joao (or any other art), the Examiner is kindly requested to provide a **New Non Final Office Action** that explains, **with particularity**, how the cited portions of powerbuyerservice.com and Joao teaches or suggests the method of claim 1.

For example, how **in particular**, does the cited portions teach or suggest identifying the recited second party **after receiving the initial information**, as recited in claim 1.

As stated above, even if a company uses a referral source, and even if the company receives initial information from the referral source, there is no teaching or suggestion to identify the recited second party after receiving the initial information, as recited in claim 1.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 60

Independent claim 60 recites a method for facilitating multiparty communication regarding leads, comprising: receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer; after receiving the initial information**, identifying a second party that can provide the service and to which to provide at least a portion of the initial information; providing at least a portion of said initial information to said second party; receiving updated information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information. (emphasis added).

Neither powerbuyerservice.com nor Joao nor any proper combination thereof teaches or suggests the method recited in claim 60.

As stated above, and as admitted in the Office Action (see Office Action page 3, lines 22- page 4, line 8), powerbuyerservice.com does not teach or suggest receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**.

In addition, in view thereof, powerbuyerservice.com cannot possibly teach or suggest a method that includes **after receiving the initial information**, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 60. (emphasis added).

Moreover, and as admitted in the Office Action (see Office Action page 2, lines 19-20), powerbuyerservice.com does not teach or suggest the combination of receiving updated

information regarding said customer lead from said second party; and determining compensation owed by said second party based, at least in part, on said updated information, as recited in claim 60.

As stated above, Joao does not teach or suggest the combination of receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**; and after receiving the initial information, identifying a second party that can provide the service and to which to provide at least a portion of the initial information. (emphasis added).

Moreover, and as stated above, it would not have been obvious to modify powerbuyerservice.com to include receiving initial information regarding a customer lead from a first party, wherein the initial information identifies a service and the first party is a referral source **other than said customer**.. (emphasis added).

Indeed, as stated above, **powerbuyerservice.com is itself a type of referral source.**

The mere statement that a company may use telemarketers, call centers, marketing agents etc. to generate leads for the company cannot possibly stand for a universal proposition that would motivate one of ordinary skill in the art to modify powerbuyerservice.com (i.e., a referral source) to use another referral source to generate the referrals.

Nor would it have been obvious to modify powerbuyerservice.com to include **after receiving the initial information**, identifying a second party that can provide the service and to which to provide at least a portion of the initial information, as recited in claim 60. (emphasis added).

For at least the reasons above, neither powerbuyerservice.com nor Joao nor any proper combination thereof teaches or suggests the method recited in claim 60.

Dependent claims

Claims 2-12, 14-31 and 59 depend from independent claim 1 and therefore should be allowed for at least the reasons set forth above with respect to independent claim 1.

Claim 61 depends from independent claim 60 and therefore should be allowed for at least the reasons set forth above with respect to independent claim 60.

Applicant respectfully submits that many of the rejections set forth in the Office Action in regard to the dependent claims fall short of complying with the requirements of MPEP 706. As stated in MPEP 706, “the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” (emphasis added).

For example, the Office Action states that regarding claims 4-9 and 16-21, powerbuyerservice teaches determining a service associated with the characteristic of the user; identifying a party that can provide a service . . . (citing Applicant's background). (see Office Action, page 4, lines 14-16).

Consequently, in the event that the Examiner decides to again reject the dependent claims in view of powerbuyerservice.com and Joao (or any other art), the Examiner is kindly requested to provide a New Non Final Office Action that explains, with particularity, how the cited portions of powerbuyerservice.com and Joao teaches or suggests the subject matter recited in each of the dependent claims.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that the present application is in condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Because the reasons set forth above are sufficient to overcome the rejections set forth in the outstanding Office Action, Applicant does not address some of the assertions set forth therein and/or other possible reasons for overcoming the rejections. Nonetheless, Applicant reserves the right to address such assertions and/or to present other possible reasons for overcoming the rejections in any future paper and/or proceeding.

If the Examiner believes that a telephone interview would expedite the prosecution of this application in any way, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0006, ext. 1014.

Respectfully submitted,

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Date

/Mark Steinberg/
Mark Steinberg
Registration No. 40,829
Buckley, Maschoff & Talwalkar LLC
Attorneys for General Electric Company
50 Locust Avenue
New Canaan, CT 06840
(203) 972-0006, ext. 1014